



MONTGOMERY McCRACKEN

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March 31, 2023

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020***
1:22-md-03028-PAE (lead case)

Dear Judge Engelmayer,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA, making restricted appearances as owners and bareboat charterers, respectively, of the M/V ONE APUS. We write jointly on behalf of all Interests - Vessel, Cargo, and NVOCCs – to provide a status report pursuant to the memo endorsement Order entered on March 16, 2023 (ECF Doc. 499).

Settlement discussions

Since our last report, the parties have had numerous discussions and conference calls to develop a global framework for settlement.

There is now an agreement in principle among the Steering Committees on nearly all of the material issues that would impact a settlement of claims filed in the MDL actions and certain related claims that are not yet in suit in the US, and which counsel are prepared to recommend to their respective clients for review and approval. These agreed issues include the use of a single party for claim submissions, a mechanism for dispute resolution, timeline for claim resolution, and a single jurisdiction to enforce the settlement.

MONTGOMERY McCRACKEN WALKER & RHOADS LLP

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A settlement document is being drafted and the final version is expected to resolve the corresponding open details. A summary of the claims is also being created with the cooperation of the parties. This summary is meant to define exactly what filed claims and claims on extension will be resolved under the terms of the settlement document. It is anticipated that these two documents can be circulated among the parties next week.

The issue of what conditions are reserved for resolution during the claim-review process remains open. These conditions include title to sue and applicable US COGSA package limit. The parties have identified a solution that will involve the exchange of additional information. This process is ongoing, but we all remain confident that a solution will be found.

In terms of an applicable settlement percentage, the parties are very close, and Cargo Interests are currently waiting for a reply from the vessel owners.

Timing

Much has been accomplished and the overwhelming majority of issues have been resolved in principle. Even so, the parties need additional time to convert their recommended framework into a formal document and to resolve the last of the open items. To be clear, the realistic goal at this stage is for counsel to agree on a common framework and settlement document to recommend to their respective clients. There will then need to be a short period of time for our clients to consider these recommendations, have questions resolved, and execute the actual settlement document.

The Court's Order No. 4 includes two stays that expire on March 31, 2023: (1) pause in formal discovery and (2) hold on filing motions to dismiss and/or summary judgment. The parties respectfully request that they be permitted to provide an additional supplemental status letter concerning settlement to the Court on or before **April 14, 2023**, and that the pause in formal discovery and date for filing motions be extended until **May 5, 2023**.

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We thank Your Honor for your consideration and continued assistance. If there are any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

**MONTGOMERY MCCrackEN
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/s/ Timothy Semenoro
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and

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CC by ECF to all counsel of record